



OFFICE OF THE DISTRICT ATTORNEY

SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO

RAÚL TORREZ
DISTRICT ATTORNEY

September 5, 2019

Shannon L. Kennedy
Kennedy Kennedy & Ives
1000 Second St NW
Albuquerque, NM 87102-2216

Dear Ms. Kennedy:

I am writing to inform you of a significant policy change in how this office handles officer involved shootings and to provide some guidance on obtaining a secondary review of the Special Prosecutor's findings with regard to the shooting death of Mary Hawkes.

Like you, I am extremely frustrated by the inability of the New Mexico District Attorney's Association (NMDAA) to conduct a timely review of the materials you provided or to complete an independent analysis of the Special Prosecutor's determination. While I am mindful of the lack of dedicated funding and resources to support this process, at this point I do not believe that relying on the NMDAA is a reliable method for providing the kind of timely, independent review to which I have always been committed.

As such, until the Legislature develops both a process and a dedicated funding source to provide for a viable alternative, I will refer all matters that the Special Prosecutor has declined to prosecute, including the April 21, 2014, shooting death of Mary Hawkes, to the New Mexico Attorney General's Office (NMAGO). The NMAGO has the requisite statutory authority to investigate and prosecute any matter previously declined by the Special Prosecutor. Moreover, they have considerably more resources and less dependence on local law enforcement to engage in the kind of timely, independent review that these matters deserve.

While the NMAGO is under no obligation to investigate or prosecute a case previously declined by the Special Prosecutor, my office will assume responsibility for providing the

NMAGO with the underlying case materials and any additional evidence you previously provided to the NMDAA panel.

Again, I am disappointed that this matter has not received a timely secondary review, but I hope this new policy will advance our shared interest in a timely, transparent review of the underlying facts and law applicable in these cases.

Should you have any questions or concerns regarding this decision please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Torrez".

Raúl Torrez
District Attorney